

Message Text

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PAGE 01 STATE 077869

63

ORIGIN L-03

INFO OCT-01 IO-12 ADP-00 AGR-20 CEA-02 CIAE-00 COME-00

DODE-00 EB-11 FRB-02 H-02 INR-10 INT-08 LAB-06

NSAE-00 NSC-10 PA-03 RSC-01 AID-20 CIEP-02 SS-15

STR-08 TAR-02 TRSE-00 USIA-12 PRS-01 OMB-01 AF-10

ARA-11 EA-11 EUR-25 NEA-10 OPIC-12 /231 R

DRAFTED BY L/ EB: DFBURNS: LAS

4-25-73 EXT. 20446

APPROVED BY EB/ OT: JWHOLMES

STR: PROFESSOR JACKSON

----- 031777

R 251926 Z APR 73

FM SECSTATE WASHDC

TO USMISSION GENEVA

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E. O. 11652: N/ A

TAGS: ETRD, GATT, US, EEC

SUBJECT: EC- US ART. XXIV:6 RENEGOTIATIONS

REF: GENEVA 1813

1. OUR OPINION IS THAT THERE IS NO LEGAL REASON WHY
ACCOUNT NEED BE TAKEN OF FACT OF BINDING IN COMPUTING
" COMPENSATION ALREADY AFFORDED" UNDER ART. XXIV:6.
FACT OF BINDING IS ESSENTIAL BEFORE WE CAN GIVE CREDIT
FOR COMPENSATION WHICH HAS BEEN AFFORDED BY REASON OF
DECREASE IN RATES. OTHERWISE STATED, IF PROPOSED EC
RATE WERE NOT BOUND, NO CREDIT WOULD BE GIVEN FOR
DECREASE IN RATES OF ACCEDING STATES, SINCE EC RATE
WOULD BE SUBJECT TO CHANGE UITHOUT NOTICE. TO GIVE
ADDITIONAL CREDIT FOR FACT OF BINDING WOULD IN ESSENCE
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BE TO PAY TWICE FOR BINDING.

2. OUR OPINION FURTHER IS THAT ART. XXIV:6 DOES NOT CON-
TEMPLATE TREATING FACT OF BINDING AS COMPENSABLE, SINCE
LANGUAGE REFERS ONLY TO REDUCTIONS.
3. IN LATER PHASE OF ARTICLE XXVIII PROCEDURE, OF COURSE,
VALUE OF BINDING IS QUESTION OF NEGOTIATION, NOT OF
LAW. GIVEN PRACTICE OF SOME PRIOR GATT NEGOTIATIONS

TO TREAT FACT OF BINDING AS COMPENSABLE, SOME MODEST
COMPENSATION COULD BE CREDITED IN SITUATION WHERE
RATE OF ACCEDING STATE MOVES FROM UNBOUND TO BOUND.
ROGERS

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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EO Systematic Review
30 JUN 2005

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